

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Department of Health		CONTACT PERSON William F. Moody	TELEPHONE NUMBER 601-576-7518	
ADDRESS 570 East Woodrow Wilson, Suite 232		CITY Jackson	STATE MS	ZIP 39215
EMAIL wmoody@msdh.state.ms.us	SUBMIT DATE 1/25/11	Name or number of rule(s): Draft FY-2010 Intended Use Plan Amendment #2 for the DWSIRLF		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This will be the Draft FY-2011 Intended Use Plan will show projects to be funded and the terms of the assistance for Drinking Water Systems Improvements Revolving Loan Fund.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Ann. § 41-3-16

List all rules repealed, amended, or suspended by the proposed rule:

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: 2/25/2011 Time: 9:00 am Place: Mississippi State Dept. of Health, 2423 North State Street, U-232, Jackson, MS 39215

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ <input checked="" type="checkbox"/> New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ <input checked="" type="checkbox"/> Other (specify): <u>2/25/2011</u>	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: William F. Moody, Director, Drinking Water SRF

Signature of person authorized to file rules: /s/ [Signature]

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____		<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by <u>CB</u>

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



LOCAL GOVERNMENTS AND RURAL WATER SYSTEMS IMPROVEMENTS BOARD

MEMORANDUM

Date: January 24, 2011

To: Mayors, Presidents of Boards of Supervisors, County Administrators, Presidents of Rural Water Associations, Consulting Engineers, and Other Interested Parties

From: James H. Craig, III, Chairman
Local Governments and Rural Water Systems Improvements Board

Subject: Drinking Water Systems Improvements Revolving Loan Fund (DWSIRLF) Program
Draft FY-2010 Intended Use Plan (IUP) Amendment #2

Draft FY-2010 Intended Use Plan Amendment #2

By means of this memorandum, the FY-2010 IUP Amendment #2 is out for public notice and review. The Local Governments and Rural Water Systems Improvements Board (Board) has established a public comment period on this document through February 25, 2011. Accordingly, written comments on this document must be received at the address below no later than 9:00 a.m. on February 25, 2011. Also, the Board will hold a public hearing at 9:00 a.m., February 25, 2011, in room U-232, in the offices of the Mississippi State Department of Health (MSDH), located at 2423 North State Street, (Underwood Building) in Jackson to receive written or oral comments on the Draft IUP Amendment #2. The Board will consider all comments timely submitted, regardless of the manner of tender.

The Draft FY-2010 Amendment #2 Priority List, which identifies projects proposed to receive loan funding, is shown on page 24 of the Draft IUP. The Draft Priority List was developed based on the following assumptions of available funds: (1) the Federal FY-2010 appropriation for Drinking Water State Revolving Fund (DWSRF) is \$1.38 billion; (2) the potential Jobs Bill of 2010 appropriation for DWSRF is an additional \$1.0 billion; (3) the State of Mississippi's allotment percentage for both FY-2010 Standard Capitalization Grant and the Jobs Bill funds will be at 1.04% of each Federal appropriation, after deduction of Federal set-asides; (3) the required 20% state match funds for the FY-2010 Standard Capitalization Grant have been provided through general obligation bonds; (4) includes the required "green" project requirements; and (5) identifies the reallocation method for returned principal forgiveness funds.

As presented in the Initial FY-2010 IUP and its Amendment #1, the Draft FY-2010 IUP Amendment #2 provides a 1.95% loan interest rate; limits loan applicants to only one loan during FY-2010; limits the maximum amount of any one loan to \$5.0 million; and contains a list of drinking water systems improvements projects to receive DWSIRLF Program funds that has been prioritized in accordance with criteria previously approved by the Board. Additionally, the loans made during FY-2010 received additional subsidization in the form of principal

forgiveness, as long as the money was available. The amount of principal forgiveness was based on the system's median household income (MHI) vs. the State's MHI. Furthermore, this FY-2010 IUP Amendment #2 details a method to be used to reallocate any FY-2010 principal forgiveness funds returned from awarded FY-2010 projects. Details on amount to be forgiven per system and the reallocation formula are outlined on pages 15 and 16 respectively.

Copies of the Draft FY-2010 IUP Amendment #2 are being mailed to those prospective loan recipients who have projects listed on the FY-2010 Priority List or the FY-2011 and After Planning List, their consulting engineers, and those parties who have requested to have their names placed on the Priority System Mailing List. If you did not receive a copy of these documents, but would like one, you can download a copy from the MSDH website at www.healthymms.com/dwsrf, or contact Jennifer King at (601) 576-7518, and a copy or copies will be mailed to you.

We look forward to receiving your input on these documents. If you have any questions, or if we can be assistance, please contact Ulysses Conley at (601) 576-7518.

Enclosures